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Air Pollution Regulations in State Implementation Plans: California, San Diego County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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California

San Diego County

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Air Pollution Regulations in State Implementation Plans:

California

San Diego County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-31

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET OF

EPA APPROVED REGULATION CHANGES

SAN DIEGO COUNTY (APCD)

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regs. unless otherwise specified
7/25/73	5/11/77	Rules 41, 55, 58 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113.
7/19/74	5/11/77	Reg. IX
7/19/74	7/26/77	Rule 61
7/22/75	5/11/77	Rule 66
11/3/75	7/26/77	Rule 63
4/21/76	5/11/77	Rule 5
11/10/76	10/21/77	Rules 2(k), 3, 50, 52, 53, 60, 62
2/10/77	10/21/77	Rule 68

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STATE AIR POLLUTION REGULATIONS

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RULES AND REGULATIONS - AIR POLLUTION CONTROL

SAN DIEGO COUNTY

REGULATION 1. GENERAL PROVISIONS

(2.0) Rule 1 Title

These rules and regulations shall be known as the Rules and Regulations of the Air Pollution Control District of San Diego County.

(1.0) Rule 2 Definitions

(a) Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

(b) PERSON "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

(c) BOARD "Board" means the Air Pollution Control Board of the Air Pollution Control District of San Diego County.

(d) CONTROL OFFICER "Control Officer" means the Air Pollution Control Officer of the Air Pollution Control District of San Diego County.

(e) HEARING BOARD "Hearing Board" means the Hearing Board of the Air Pollution Control District of San Diego County.

(f) SECTION "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

(g) RULE "Rule" means a rule of the Air Pollution Control District of San Diego County.

(h) REGULATION "Regulation" means one of the major subdivisions of the rules of the Air Pollution Control District of San Diego County.

(i) WESTERN SECTION OF AIR POLLUTION CONTROL DISTRICT OF SAN DIEGO COUNTY "Western Section of Air Pollution Control District of San Diego County" is defined as all of that portion of San Diego County, State of California, lying westerly of the following described line:

1. Beginning at the Northwest of Township 9 South, Range 1 West, San Bernardino Base and Meridian;

2. thence running Southerly along the West line of said township to the South line thereof;

3. thence Easterly along said South line to the range line between Range 1 West and Range 1 East;

4. thence Southerly along said range line to the township line between Township 11 South and 12 South;

5. thence Easterly along said township line to the range line between Range 1 East and Range 2 East;

6. thence Southerly along said range line to the International boundary between the United States of America and Mexico.

That portion of San Diego County lying easterly of the above-described line shall be known as "Eastern Section of Air Pollution Control District of San Diego County."

(j) AIR CONTAMINANT. "Air Contaminant" includes smoke, charred paper, dust, soot, grime, carbon, noxious acids, fumes, gases, odors, or particulate matter, or any combination thereof.

(k) PARTICULATE MATTER. "Particulate matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions. This definition shall not apply to sources covered by Regulation X, Standards of Performance for New Stationary Sources.

(l) PROCESS WEIGHT PER HOUR. "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

(m) DUSTS. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.

(n) CONDENSED FUMES. "Condensed Fumes" are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

(o) COMBUSTION CONTAMINANTS. "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

(p) ATMOSPHERE. "Atmosphere" means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

(q) COMBUSTIBLE REFUSE. "Combustible Refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

(r) MULTIPLE-CHAMBER INCINERATOR. "Multiple-Chamber Incinerator" is any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method described in the American Society for Testing Materials, Method C-24.

(s) ORCHARD HEATER. "Orchard Heater" means any article, machine, bowl burner or contrivance, which is designed for, used, maintained or capable of being used to burn any kind of fuel capable of emitting air contaminants for frost protection in areas not completely enclosed. The word "orchard" includes orchards or plant nurseries.

(2.0) Rule 3. Standard Conditions

As used in these regulations, "standard conditions" means a gas temperature of 68 degrees Fahrenheit (20 degrees Centigrade) and a gas pressure of 14.70 pounds per square inch absolute (29.92 inches of mercury). Results of all analyses and tests shall be calculated or reported at this gas temperature and pressure, unless otherwise specified.

(2.0) Rule 4. Review of Rules

The Rules and Regulations of the Air Pollution Control District shall be reviewed periodically by a Citizens' Advisory Committee composed of such representatives of government, industry and the public as may be appointed by the Air Pollution Control Board. Such review shall be conducted at such times as the Air Pollution Control Board shall direct.

(15.0) Rule 5. Authority To Arrest

The Air Pollution Control Officer and any officer or employee of the San Diego County Air Pollution Control District designated by him is hereby

authorized to arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is a violation of any statute, ordinance, order, rule, or regulation which the Air Pollution Control Officer or such officer or employee has the duty to enforce, including but not limited to provisions of the State of California Health and Safety Code and all orders, regulations and rules prescribed by the Air Pollution Control Board. In any case in which a person is arrested pursuant hereto and the person arrested does not demand to be taken before a magistrate, the public officer or employee making the arrest shall prepare a written notice to appear and release the person on his promise to appear, as prescribed by Chapter 5C (commencing with Section 853.6) of the Penal Code. The provisions of said Chapter 5C shall thereafter apply with reference to any proceeding based upon the issuance of the written notice to appear. Authority to arrest is granted in accordance with Penal Code Section 836.5.

REGULATION 11. PERMITS.

(3.0) Rule 10. Permits Required

(a) AUTHORITY TO CONSTRUCT. Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the Air Pollution Control Officer. A separate Authority to Construct will be required for each piece of equipment, product line, system, process line or process that produces a product or performs a service independently of other equipment, product lines, systems, process lines or processes. An Authority to Construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application is cancelled.

(b) PERMIT TO OPERATE. Before any article, machine, equipment or other contrivance described in Rule 10 (Authority to Construct) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10 (Authority to Construct), constructed or installed without authorization as required by Rule 10 (Authority to Construct) until the information required is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 20 and elsewhere in these rules and regulations. A separate Permit to Operate will be required for each piece of equipment, product line, system, process line or process that produces a product or performs a service independently of other equipment, product lines, systems, process lines or processes.

(c) POSTING OF PERMIT TO OPERATE. A person who has been granted under Rule 10 a Permit to Operate any article, machine, equipment or other contrivance described in Rule 10(b), shall firmly affix such Permit to Operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment or other contrivance is so constructed or operated that the Permit to Operate cannot be so placed, the Permit to Operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment or other contrivance, or maintained readily available at all times on the operating premises.

(d) ALTERATION OF PERMIT. A person shall not willfully deface, alter, forge, counterfeit or falsify any permit issued under these rules and regulations.

(f) PERMIT TO SELL OR RENT.

1. Any person who sells or rents to any other person an incinerator which may be used to dispose of combustible refuse by burning within San Diego County and which incinerator is to be used exclusively in connection with any structure, designed and used exclusively as a dwelling for not more than four families, shall first obtain a permit from the Air Pollution Control Officer to sell or rent such incinerator.

2. Any person who rents to any other person for less than one year any article, machine, equipment or other contrivance, not exempted from the permit to operate requirement by Rule 11, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants shall first obtain a permit from the Air Pollution Control Officer to rent such article, machine, equipment or contrivance. If a person obtains a Permit to Rent for any such article, machine, equipment or contrivance, such permit shall apply to all like articles, machines, equipment or contrivances rented by said person.

(g) CONTROL EQUIPMENT. Nothing in this rule shall be construed to authorize the control officer to require the use of machinery, devices or equipment of a particular type or design, if the required emission standard may be met by machinery, device, equipment, product or process change otherwise available.

(2.0) Rule 11. Exemptions

An Authority to Construct or a Permit to Operate shall not be required for:

(a) Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these rules and regulations.

(b) Vehicles used to transport passengers or freight.

(c) Equipment utilized exclusively in connection with any structure, which is designed for and used exclusively as a dwelling for not more than four families.

(d) The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units or equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston type internal combustion engines.

5. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

6. Equipment used exclusively for steam cleaning.

7. Presses used exclusively for extruding metals, minerals, plastics or wood.

8. Equipment used exclusively for space heating, other than boilers.

9. Equipment used for hydraulic or hydrostatic testing.

10. All sheet-fed printing presses, and all other printing presses without dryers.

11. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening or annealing of plastics.

12. Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

13. Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form.

14. Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

15. Equipment used exclusively for the melting or applying of wax where nc organic solvents, diluents or thinners are used.

16. Equipment used exclusively for bonding lining to brake shoes.

17. Lint traps used exclusively in conjunction with dry-cleaning tumblers.

18. Equipment used in eating establishments for the purpose of preparing food for human consumption.

19. Equipment used exclusively to compress or hold dry natural gas.

20. Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

21. Shell core and shell-mold manufacturing machines.

22. Molds used for the casting of metals.

23. Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

24. Batch mixers of 5 cubic feet rated working capacity or less.

25. Equipment used exclusively for the packaging of lubricants or greases.

26. Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils or waxes.

27. Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

28. Equipment used exclusively for conveying and storing plastic pellets.

29. Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.

30. Platen presses used for laminating.

31. Equipment for which a permit to sell or rent has been issued pursuant to Rule 10(f).

(e) The following equipment or any exhaust system or collector serving exclusively such equipment:

1. Blast cleaning equipment using a suspension of abrasive in water.

2. Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.

3. Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.

4. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

5. Equipment used for inspection of metal products.

6. Confection cookers where the products are edible and intended for human consumption.

7. Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.

8. Die casting machines.

9. Atmosphere generators used in connection with metal heat treating processes.

10. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

11. Brazing, soldering or welding equipment.

12. Equipment used exclusively for the sintering of glass or metals.

13. Equipment used for buffing (except automatic or semiautomatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.

14. Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.

15. Equipment using aqueous solutions for surface preparation, cleaning, stripping or etching (does not include chemical milling); or equipment using aqueous solutions for the electrolytic plating with, electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc and precious metals.

16. Equipment used for washing or drying products fabricated from metal, cloth, fabric or glass, provided that no oil or solid fuel is burned.

17. Laundry dryers, extractors or tumblers used for fabrics cleaned only with solutions of bleach or detergents.

18. Foundry sand mold forming equipment to which no heat is applied.

19. Ovens used exclusively for curing potting materials or castings made with epoxy resins.

20. Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.

21. Equipment used for compression molding and injection molding of plastics.

22. Mixers for rubber or plastics where no material in powder form is added and no organic solvents, dilutents or thinners are used.

23. Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

24. Equipment used exclusively to gind, blend or package tea, cocoa, spices or roasted coffee.

25. Roll mills or calendars for rubber or plastics and no organic solvents, diluents or thinners are used.

26. Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 11.

27. Spray booths with blower motors rated at or below 3/4 horsepower.

(f) Steam generators, steam superheaters, water boilers, water heaters, closed heat transfer systems and other stationary fuel-burning equipment that have a maximum heat input rate of less than 50 million British Thermal Units (BTU) per hour (gross), and are fired exclusively with one of the following:

1. Natural gas.

2. Liquified petroleum gas.

3. A combination of natural gas and liquefied petroleum gas.

(g) Natural draft hoods, natural draft stacks or natural draft ventilators.

(h) Containers, reservoirs or tanks for the storage of organic compounds, as follows:

1. With a capacity of 250 gallons or less.

2. With a capacity greater than 250 gallons, provided that such containers, reservoirs or tanks will be used exclusively to store organic compounds with vapor pressures of less than 1.5 pounds per square inch absolute under actual storage conditions.

(i) Natural gas-fired or liquefield petroleum gas-fired or electrically-heated furnaces for heat treating glass or metals, the use of which does not involve molten materials.

(j) Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:

1. Aluminimum or any alloy containing over 50 percent aluminum.

2. Magnesium or any alloy containing over 50 percent magnesium.

3. Lead or any alloy containing over 50 percent lead.

4. Tin or any alloy containing over 50 percent tin.

5. Zinc or any alloy containing over 50 percent zinc.

6. Copper.

7. Precious metals.

(k) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

(l) Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

(m) Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

(n) Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a permit to operate had previously been granted for such equipment under Rule 10.

(o) Any article, machine, equipment, contrivance or their exhaust systems, the discharge from which contains airborne radioactive materials and which is emitted into the atmosphere in concentrations above the natural radioactive background concentration in air. "Airborne radio-

active material dispersed in the air in the form of dusts, fumes, smoke, mists, liquids, vapors or gases.

Atomic energy development and radiation protection are controlled by the State of California to the extent it has jurisdiction thereof, in accordance with the advice and recommendations made to the Governor by the Advisory Council on Atomic Energy Development and Radiation Protection. Such development and protection are fully regulated by the United States Atomic Energy Commission to the extent that such authority has not been delegated to the states.

(2.0) Rule 12. Transfer

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one piece of equipment to another, or from one person to another. Permits or written authorizations issued hereunder may be transferred from one location to another with the authorization of the Air Pollution Control Officer.

(6.0) Rule 13. Compliance Time

Notwithstanding the provisions of Rule 10 requiring a Permit to Operate, a person operating or using any machine, equipment or other contrivance who is not subject to the prohibitions contained in Rules 61, 63, 64, 65 and 66 until January 1, 1974, may continue to operate or use such article, machine, equipment or contrivance until said January 1, 1974, without obtaining a Permit to Operate; provided, however, that such person shall nevertheless be required to submit compliance schedules in accordance with said Rules 61, 63, 64, 65 and 66 and to obtain an Authority to Construct for any alterations in such article, machine, equipment or contrivance for the purpose of bringing them into compliance with the prohibitions of said Rules 61, 63, 64, 65 and 66.

(3.0) Rule 14. Applications

Every application for an Authority to Construct or any permit required under Rule 10 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 20 hereof.

(3.0) Rule 17. Cancellation of Applications

(a) An Authority to Construct shall expire and the application shall be cancelled one year from the date of issuance of the Authority to Construct; provided, however, that when a period of longer than one year is stated in the application to be required for the construction, the Authority to Construct shall expire and the application shall be cancelled upon the expiration of such construction period, but in any event not later than five years from the date of issuance of the Authority to Construct.

(b) An application for permit to operate or use existing equipment shall be cancelled six months from the date of filing of the application. Applications filed prior to the effective date of this rule shall, for the purpose of this rule, be considered as filed on the effective date of this rule.

(3.0) Rule 18. Action on Applications

The Air Pollution Control Officer shall act, within 90 days, if possible, on an application for Authority to Construct, Permit to Operate, or Permit to Sell or Rent, and shall notify the applicant in writing by mail or in person of the action taken, namely, approval, conditional approval or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

(9.0) Rule 19. Provision of Sampling and Testing Facilities

A person operating or using any article, machine, equipment or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the Authority to Construct or Permit to Operate.

(3.0) Rule 20. Standards For Granting Applications

(a) The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate or Use or Permit to Sell or Rent, except as provided in Rule 21, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, is so designed, controlled or equipped with such air pollution control equipment, that it may be expected to operate without emitting air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these rules and regulations.

(b) Before an Authority to Construct or a Permit to Operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the Authority to Construct or Permit to Operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industrial Safety Orders of the State of California.

(c) In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the Authority to Construct, he shall deny the Permit to Operate. The Air Pollution Control Officer shall not accept any further application for Permit to Operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the Authority to Construct.

(2.0) Rule 21. Conditional Approval

(a) The Air Pollution Control Officer may issue an Authority to Construct or a Permit to Operate or Use, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 20, in which case the conditions shall be specified in writing. Commencing work under such an Authority to Construct or operation under such a Permit to Operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an Authority to Construct or a Permit to Operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 20 under the revised conditions.

(b) The Air Pollution Control Officer may issue a Permit to Sell or Rent, Subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 20, in which case the conditions shall be specified in writing. Selling or renting under such a Permit to Sell or Rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a Permit to Sell or Rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 20 under the revised conditions.

(3.0) Rule 22. Denial of Applications

In the event of denial of an Authority to Construct, Permit to Operate or Permit to Sell or Rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the Authority to Construct, the Permit to Operate or the Permit to Sell or Rent.

(2.0) Rule 23. Further Information

Before acting on an application for Authority to Construct, Permit to Operate or Permit to Sell or Rent, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) Rule 24. Applications Deemed Denied

The applicant may at his option deem the Authority to Construct, Permit to Operate or Permit to Sell or Rent denied if the Air Pollution Control Officer fails to act on the application within 90 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) Rule 25. Appeals

Within 10 days after notice, by the Air Pollution Control Officer, of denial or conditional approval of an Authority to Construct, Permit to Operate or Use or Permit to Sell or Rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

REGULATION III. FEES

(3.0) Rule 40. Application Fees

Every applicant, except any state or local governmental agency or public district, for an Authority to Construct and/or a Permit to Operate any article, machine, equipment or other contrivance, shall pay a fee of $40.00 for each application filed. When a single application is submitted for both an Authority to Construct and a Permit to Operate, the filing fee shall be $40.00. Where an application is filed for a Permit to Operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a Permit to Operate had previously been granted under Rule 10 and no alteration, addition or transfer of location has been made, the applicant shall pay a $10.00 filing fee.

Where a single Permit to Operate has been granted under Rule 10, and where the Air Pollution Control Officer would have issued separate or revised permits for each permit unit included in the original application, the Air Pollution Control Officer may issue such separate or revised permits without fees.

A request for a duplicate Permit to Operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a Permit to Operate. A fee of $5.00 shall be charged,

except to any state or local government agency or public district, for issuing a duplicate Permit to Operate.

(3.0) Rule 41. Annual Permit Renewal Fees

For the calendar year 1973, and for each calendar year thereafter, any person, except any state or local governmental agency or public district, who holds a Permit to Operate as required by Rule 10(b) of these rules and regulations and who in fact operates any article, machine, equipment, or other contrivance pursuant to said permit on or after January 1 of any such calendar year shall pay to the Air Pollution Control District of the County of San Diego an annual permit renewal fee as follows:

First permit to operate at each location $20.00

Each additional permit at same location $10.00

A Permit to Operate issued pursuant to these rules and regulations shall expire on December 31 of the year in which it was issued. The permit may be renewed for succeeding calendar years upon approval of a permit renewal application by the Air Pollution Control Officer and upon payment by the applicant of the annual permit renewal fee to the Air Pollution Control Officer on or before January 1 of the calendar year to which the permit is to apply. For each calendar month or fraction of a calendar month after January 31 during which the permit applicant fails to file the renewal application and pay the annual renewal fee, the annual renewal fee shall be increased by an amount equal to ten percent (10%) of the applicable annual fee specified above; provided, however, in no event shall the annual renewal fee be increased by an amount in excess of sixty percent (60%) of the applicable annual fee.

(16.0) Rule 42. Hearing Board Fees

(a) Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an Authority to Construct, Permit to Operate or Permit to Sell or Rent, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of $10.00. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code or Rule 25 of these rules and regulations, exceeds $10.00 per petition.

(b) Any person requesting a transcript of the hearing shall pay the cost of such transcript.

(c) This rule shall not apply to petitions filed by the Air Pollution Control Officer.

(51.1) Rule 43. Orchard or Citrus Grove Heaters

The fee requirements provided in Rules 40 and 41 shall not apply to persons applying for or possessing permits for orchard or citrus grove heaters.

(13.0) Rule 44. Technical Reports, Charges For

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for by the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into the General Fund of the County of San Diego.

REGULATION IV. PROHIBITIONS

(50.1.2) Rule 50. Visible Emissions

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminants for a period or periods aggregating more than three minutes in any period of 60 consecutive minutes which is:

(a) Darker in shade than that designated as Number 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer's view to a degree greater than does smoke of a shade designated as Number 1 on the Ringelmann Chart.

(b) For the purpose of this rule, a single source shall consist of the total number of units of equipment at a given location, including associated outlets to the atmosphere, the simultaneous operation of which may be required in the course of operation.

(50.0) Rule 51. Nuisance

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The provisions of this rule do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowls or animals.

(50.1) Rule 52. Particulate Matter

A person shall not discharge into the atmosphere from any source particulate matter in excess of 0.1 grain per dry standard cubic foot of gas. In those instances where Rule 53 or Rule 54 is applicable the requirements of this rule do not apply.

(50.0) Rule 53. Specific Contaminants

A person shall not discharge into the atmosphere from any single source of emission whatsoever any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

(a) Sulfur Compounds calculated as sulfur dioxide (SO_2): 0.05 percent by dry volume.

(b) Combustion Contaminants: Except as provided in subdivision (c) of this rule, 0.1 grain per dry standard cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2). In measuring the combusion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(c) Combustion Contaminants from incinerators with a rated capacity of 100 pounds per hour or less: 0.3 grain per dry standard cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2). In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

(d) Fluorine Compounds: Emissions shall be controlled to the maximum degree technically feasible in respect to the process or operation causing such emission, but no emission shall be permissible which may cause injury to the property of others.

(51.21) Rule 53.1. Scavenger Plants

Where a separate source of air pollution is a scavenger or recovery plant, recovering pollutants which would otherwise be emitted to the atmosphere, the Air Pollution Control Officer may grant a temporary Permit to Operate where the total emissions of pollutants is substantially less with the plant in operation than when closed, even though the concentration exceeds that permitted by Rule 53(a). The Air Pollution Control Officer shall report immediately in writing to the Air Pollution Control Board the granting of any such permit, together with the facts and reasons therefor.

(50.1) (50.6) Rule 54. Dust and Fumes

A person shall not discharge in any one hour into the atmosphere from any source whatsoever dust or fumes, including lead and lead compounds, in excess of the amounts shown in the following tables:

TABLE

*Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)	*Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)
50	.24	300	1.20
100	.46	350	1.35
150	.66	400	1.50
200	.852	450	1.63
250	1.03	500	1.77
550	1.89	3900	5.85
600	2.01	4000	5.93
650	2.12	4100	6.01
700	2.24	4200	6.08
750	2.34	4300	6.15
800	2.43	4400	6.22
850	2.53	4500	6.30
900	2.62	4600	6.37
950	2.72	4700	6.45
1000	2.80	4800	6.52
1100	2.97	4900	6.60
1200	3.12	5000	6.67
1300	3.26	5500	7.03
1400	3.40	6000	7.37
1500	3.54	6500	7.71
1600	3.66	7000	8.05
1700	3.79	7500	8.39
1800	3.91	8000	8.71
1900	4.03	8500	9.03
2000	4.14	9000	9.36
2100	4.24	9500	9.67
2200	4.34	10000	10.00
2300	4.44	11000	10.63
2400	4.55	12000	11.28
2500	4.64	13000	11.89
2600	4.74	14000	12.50
2700	4.84	15000	13.13
2800	4.92	16000	13.74
2900	5.02	17000	14.36
3000	5.10	18000	14.97
3100	5.18	19000	15.58
3200	5.27	20000	16.19
3300	5.36	30000	22.22
3400	5.44	40000	28.30
3500	5.52	50000	34.30
3600	5.61	60000 or more	40.00
3700	5.69		
3800	5.77		

* To use the above table, take the process weight per hour as such is defined in Rule 2(l). Then find this figure on the table, opposite which is the maximum number of pounds of contaminants which may be discharged into the atmosphere in any one hour. As an example, if A has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example, 1,500 lbs. by 3 giving a process weight per hour of 500 lbs. The table shows that A may not discharge more than 1.77 lbs. in any one hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharge may be interpolated.

(2.0) Rule 55. Exceptions

The provisions of Rule 50 do not apply to:

(a) Smoke from fires set pursuant to Rules 102 and 103.

(b) Smoke from the use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one gram per minute and omissions from the use of other equipment in agricultural operations in the growing of crops.

(51.9) Rule 58. Incinerator Burning

A person shall not burn any combustible refuse in any incinerator except in a multiple-chamber incinerator as described in Rule 2(r), or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator. This rule shall not apply to equipment used to dispose of combustible refuse where the disposal of such refuse by open fire is allowed under Rule 102 or Rule 103.

(2.0) Rule 60. Circumvention

No person shall build, erect, install or use any article, machine, equipment, contrivance, or process, the use of which either conceals or dilutes an emission which would otherwise constitute a violation of Division 26, Part 4, Chapter 3, of the Health and Safety Code of the State of California or of these Rules and Regulations. Such concealment includes, but is not limited to, the piecemeal carrying out of an operation to avoid coverage by a standard that applies only to operations larger than a specified size, or the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere. This rule shall not apply to ases in which the only violation involved is of Section 41700 of the Health and Safety Code of the State of California, or of Rule 51 of these Rules and Regulations.

(51.16) Rule 61. Storage of Volatile Organic Compounds

(a) A person shall not hold or store any volatile organic compound having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions in any stationary tank, reservoir or other container of more than 550 gallons capacity or in any stationary tank, reservoir or other container having a total output of 2,000 gallons per month or more unless such tank, reservoir or container is used exclusively as a source of fuel for wind machines used for agricultural purposes or is designed and equipped with one of the following vapor loss control devices or systems which is determined by the Air Pollution Control Officer to be adequate for control, properly installed, in good working order and properly used:

1. A pressure tank maintaining, at all times, working pressures sufficient to prevent vapor or gas loss to the atmosphere.

2. A floating roof consisting of a pontoon type or double-deck type roof, or internal floating cover resting on the surface of liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. (This control equipment is not appropriate if the volatile organic compound has a vapor pressure of 11 pounds per square inch absolute or greater under actual storage conditions.) All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

3. A vapor collection and disposal system, consisting of a vapor gathering system capable of collecting the volatile organic compound vapors and gases, and a vapor disposal system as prescribed in Rule 63. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place, and a tank shall not be opened for gauging or sampling when the pressure in said tank is above atmospheric pressure.

4. Other equipment of at least equal efficiency to the equipment specified in (1), (2), and (3) above, provided plans for such equipment are submitted to and approved by the Air Pollution Control Officer.

Tanks required by this rule may be equipped with automatic emergency pressure relief valves necessary to meet any other requirements of law.

(b) Notwithstanding subdivision (a) of this Rule, a person holding or storing the above-specified compounds in a stationary tank, reservoir, or other container of more than 550 gallons capacity or having a total output of 2,000 gallons per month or more, which was either in existence on June 30, 1972 or in the process of being installed for use on said June 30, 1972 on the premises where they were to be used, shall

not be subject to the provisions of subdivision (a) of this Rule until December 1, 1974, provided, however, that such person is hereby required to (1) file on or before July 1, 1972 a compliance schedule with the Air Pollution Control Officer showing how the person will bring his operations into compliance with subdivision (a) of this Rule on or before said December 1, 1974, and (2) obtain from the Air Pollution Control Officer before September 1, 1974 an Authority to Construct the required vapor loss control device or system. Failure to file such compliance schedule or abide by its terms shall render the prohibition contained in subdivision (a) of this Rule immediately applicable to such person on July 1, 1972 or on the date of said person's failure to abide by said compliance schedule, and failure to obtain an Authority to Construct before September 1, 1974 shall render the prohibition contained in subdivision (a) of this Rule immediately applicable to such person on September 1, 1974.

(c) Notwithstanding any other provision of these Rules and Regulations to the contrary, a person shall not hold or store any volatile organic compound having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions in any stationary tank, reservoir or other container which is located within 5,000 feet of another stationary tank, reservoir or other container owned or operated by said person and in use for holding or storing such volatile organic compounds, unless such tank, reservoir or container is used exclusively as a source of fuel for wind machines used for agricultural purposes or is designed and equipped with an approved vapor loss control device or system in accordance with subdivision (a) of this Rule 61; provided, however, that a person may store or hold gasoline in a maximum of two tanks, reservoirs or other containers within 5,000 feet of one another provided said tanks each have a capacity of 550 gallons or less and a total output of less than 2,000 gallons per month, and the gasoline in one tank has an octane rating higher than 95 and the gasoline in the other tank has an octane rating of 95 or less, and there is minimum difference in octane rating of at least 4 between the gasoline in the two tanks.

(d) The storage of perchloroethylene, 1, 1, 1, trichloroethane, propane and natural gas when not mixed with other volatile organic compounds having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions is exempt from the provisions of this Rule.

(e) Notwithstanding subdivision (a) of this Rule, a person holding or storing the volatile organic compounds specified in said subdivision (a) in a stationary tank, reservoir or other container which was either in existence on June 30, 1972 or in the process of being installed on the premises where it was to be used on said June 30, 1972, shall not be subject to the provisions of subdivision (a) of this Rule, provided that the total throughput of said tank, reservoir or other container does not exceed 2,000 gallons during any calendar month and

said tank, reservoir or container is equipped to be loaded through a permanent submerged fill pipe. For the purposes of this subdivision (e), "submerged fill pipe" means any fill pipe which has its discharge opening entirely submerged when the liquid level is six inches above the bottom of the tank. "Submerged fill pipe" when applied to a tank which is loaded from the side means any fill pipe which has its discharge opening entirely submerged when the liquid level is 18 inches above the bottom of the tank.

(50.2) Rule 62. Sulfur Content of Fuels

A person shall not operate any steam generators, steam superheaters, water heaters, closed heat transfer systems, or any other stationary fuel-burning equipment, except as provided for by Rule 53.1, in the San Diego Basin, unless:

(a) Any gaseous fuel used contains no more than 10 grains of sulfur compounds, calculated as hydrogen sulfide, per 100 cubic feet of dry gaseous fuel, at standard conditions.

(b) Any liquid or solid fuel used contains no more than 0.5 percent sulfur by weight, or

(c) The equipment can be so operated as to achieve equivalent results, documented by the person by stack test to the satisfaction of the Air Pollution Control Officer.

(51.16) Rule 63. Volatile Organic Compound Loading Facilities

(a) A person shall not (1) load or allow the loading of volatile organic compounds having a vapor pressure of 1.5 pounds per square inch absolute or greater, under actual storage conditions from any loading facility into any tank truck or trailer, railroad tank car, tanker, or stationary storage tank, except tanks used exclusively as a source of fuel for wind machines used for agricultural purposes with a capacity of more than 550 gallons or having a total input of 2,000 gallons per month or more, or (2) load or allow the loading of such compounds from any loading facility with a capacity of more than 550 gallons or having a total output of 2,000 gallons per month or more into any boat or motor vehicle or aircraft fuel tank having a capacity greater than 5 gallons, unless such loading facility or such tanks with a capacity of more than 550 gallons or having a total input or output of 2,000 gallons per month or more are equipped with a vapor collection and disposal system, properly installed, in good working order, and in operation. Loading shall be accomplished in such a manner that displaced vapor and air from all sources shall be vented only to a vapor disposal system through vapor paths from which hydrocarbon emissions do not exceed the following limits:

1. Except as provided in subparagraph (2) below, hydrocarbon emission concentration shall not exceed 0.1% by volume during fuel transfer operations at a distance of 1/2" from any point on the vapor path, exclusive of exhausts from vapor disposal units and emergency vapor releases through pressure relief valves necessary to meet other requirements of law.

2. Hydrocarbon emission concentration during vehicle fueling operations shall not exceed 0.9% by volume for 90% of the number vehicles fueled at a distance of 1/2" from the vehicle/vapor control nozzle interface.

The term "vapor path" as used in this rule refers to the path of vapor travel through the vapor collection and disposal system including all points between the vapor return opening in any fuel dispensing device, the storage tank fill pipe, and the point immediately inside the vapor disposal unit exhaust.

A determination of whether a system meets the standards set forth in subparagraph (2) herein for 90% of the vehicles fueled shall be based on tests of that number of vehicles which the Air Pollution Control Officer determines is representative of the total vehicle population within the boundaries of the Air Pollution Control District. Where fuel transfer operations at a facility are limited to a type or types of vehicles, the Air Pollution Control Officer shall base such a determination on tests of that number of vehicles he determines is representative of the type or types of vehicles fueled at the facility.

A means shall be provided to prevent drainage of the above-specified compounds from the loading device when it is removed from the loading point, or to accomplish complete drainage before such removal. No person shall intentionally spill any of the above-specified compounds.

"Vapor disposal system" means a device or combination of devices into which vapors are passed before being vented to the atmosphere. Vapor disposal systems must employ either adsorption, absorption, condensation or other means having a minimum continuous recovery or disposal efficiency of 90 percent by weight of vapors entering the system (except during emergency vapor releases through automatic emergency pressure relief valves necessary to meet other requirements of law), providing that the specific applications of such systems are approved by the Air Pollution Control Officer. Such systems must be in operation at all times during venting. Intermediate storage vessels may be used prior to disposal of vapors as prescribed above, provided they are so designed as to prevent release of vapors at any time during use.

(b) (Revision effective 3/29/74). Notwithstanding subdivision (a) of this rule, a person loading or allowing the loading of the above-specified compounds in the above-specified storage vessels from the

above-specified loading facilities, either of which were in existence on June 30, 1972 or in the process of being installed for use on said June 30, 1972, shall not be subject to the provisions of subdivision (a) of this rule until December 1, 1974, provided, however, that such person is hereby required to (1) file on or before July 1, 1972, a compliance schedule with the Air Pollution Control Officer showing how the person will bring his operation into compliance with subdivision (a) of this rule on or before said December 1, 1974, and (2) obtain from the Air Pollution Control Officer before September 1, 1974 an Authority to Construct the required vapor collection and disposal system. Failure to file such compliance schedule or abide by its terms shall render the prohibition contained in subdivision (a) of this rule immediately applicable to such person on July 1, 1972 or on the date of said person's failure to abide by said compliance schedule, and failure to obtain an Authority to Construct before September 1, 1974 shall render the prohibition contained in subdivision (a) of this rule immediately applicable to such person on September 1, 1974.

(c) Notwithstanding subdivision (a) of this rule, a person loading or allowing the loading of the above-specified compounds into aircraft fuel tanks from loading facilities which were in existence on September 30, 1973 or in the process of being installed for use on said September 30, 1973, shall not be subject to the provisions of subdivision (a) of this rule until January 1, 1975 in respect to the loading or allowing the loading of such aircraft fuel tanks, provided, however, that such person is hereby required to file on or before October 1, 1973, a compliance schedule with the Air Pollution Control Officer showing how the person will bring his aircraft fuel tank loading operations into compliance with subdivision (a) of this rule on or before January 1, 1975. Failure to file such a compliance schedule or abide by its terms shall render the prohibition contained in subdivision (a) of this rule immediately applicable to such person on October 1, 1973 or on the date of said person's failure to abide by said compliance schedule.

(d) The loading of perchloroethylene, 1,1,1, trichloroethane, propane and natural gas when not mixed with other volatile organic compounds having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions is exempt from the provisions of this rule.

(e) (Effective 1/30/74.) Notwithstanding subdivision (a) of this rule, a person loading or allowing the loading of the volatile organic compounds specified in said subdivision (a) from a loading facility into a stationary storage tank or from a stationary storage tank into any boat or motor vehicle or aircraft fuel tank shall not be subject to subdivision (a) of this rule, provided that (1) the stationary storage tank was in existence on June 30, 1972 or in the process of being installed for use on said June 30, 1972, (2) the throughput of

said stationary tank does not exceed 2,000 gallons during any calendar month, and (3) said stationary tank is equipped to be loaded through a permanent submerged fill pipe as defined in subdivision (e) of Rule 61.

(51.21) Rule 64. Reduction of Animal Matter

(a) A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

1. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 second, or

2. Processed in a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (1) above.

(b) A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the Authority to Construct or Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

(c) For the purpose of this rule, "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

(d) The provisions of this rule shall not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption to be consumed on the premises or to be sold or delivered directly to a consumer.

(e) Any article, machine or other contrivance used exclusively for the processing of food for human consumption to which this rule is applicable despite subdivision (d) above, which was installed and in use on or before January 16, 1972, may continue to be operated until January 1, 1974, and such operation shall not constitute a violation of this rule, provided, however, that any person operating such equipment is hereby required to file on or before July 1, 1972, a compliance schedule with the Air Pollution Control Officer showing how the person will bring such equipment into compliance with subdivisions (a) and (b) of this rule on or before January 1, 1974. Failure to file such compliance schedule or abide by its terms shall render the prohibitions and requirements contained in subdivisions (a) and (b) of this rule immediately applicable to such person on July 1, 1972, or on the date of said person's failure to abide by

said compliance schedule.

(51.16) Rule 65. Volatile Organic Compound Water Separators

(a) A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores or handles hydrocarbons with a Reid vapor pressure of 0.5 pound or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:

1. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

2. A floating pontoon or double-deck type cover, equipped with closure seals to enclose any space between the cover's edge and compartment wall.

3. A vapor recovery system, which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 percent by weight.

4. Other equipment of an efficiency equal to or greater than (1), (2) or (3) is approved by the Air Pollution Control Officer.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides or a combination thereof.

(b) Notwithstanding subdivision (a) of this rule, a person using equipment specified in subdivision (a) of this rule for the purposes specified therein which was either in existence on June 30, 1972, or in the process of being installed on said June 30, 1972, on the premises where said equipment was to be used, shall not be subject to the provisions of subdivision (a) of this rule until January 1, 1974, provided, however, that such person is hereby required to file on or before July 1, 1972, a compliance schedule with the Air Pollution Control Officer showing how the person will bring his operation into compliance with subdivision (a) of this rule on or before January 1, 1974. Failure to file such compliance schedule or abide by its terms shall render the prohibition contained in subdivision (a) of this rule immediately applicable to such person on July 1, 1972, or on the date of said person's failure to abide by said compliance schedule.

(50.4) Rule 66. Organic Solvents

(a) A person shall not discharge into the atmosphere more than 15 pounds of organic materials in any one day from any article, machine, equipment or other contrivance, in which any organic solvent vapor comes into contact with flame in the presence of oxygen or in which any organic solvent is evaporated at temperatures exceeding 200 degrees F. in the presence of oxygen, unless such discharge has been reduced by at least 85 percent by weight. Those portions of any series of articles, machines, equipment, processes, operations or other contrivances designed for processing any item, including, but not limited to, a continuous web, strip, or wire, which emit organic materials and use operations described in this subdivision shall be collectively subject to compliance with this subdivision.

(b) A person shall not discharge into the atmosphere more than 40 pounds in any one day of organic materials from any article, machine, equipment or other contrivance used under conditions other than described in subdivision (a), for employing or applying any organic solvent or material containing organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (u), unless such discharge has been reduced by at least 85 percent by weight.

Emissions of organic materials resulting from any series of articles, machines, equipment, processes, operations or other contrivances designed for processing any item including, but not limited to, a continuous web, strip, or wire and using operations described in this subdivision shall be collectively subject to compliance with this subdivision.

(c) A person shall not discharge into the atmosphere more than 3,000 pounds in any one day of organic materials from any article, machine, equipment or other contrivance used under conditions other than described in subdivision (a) for employing or applying any organic solvent or material containing organic solvent which does not exceed the compositional limitations for photochemically reactive compounds set forth in subdivision (u), unless such discharge has been reduced by at least 85 percent by weight. Emissions of organic materials resulting from any series of articles, machines, equipment, processes, operations or other contrivances designed for processing any item including, but not limited to, a continuous web, strip or wire and using operations described in this subdivision shall be collectively subject to compliance with the subdivision.

(d) Effective October 1, 1975 a person shall not use any organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (u), to thin or reduce any surface coating in preparation for application of said coating. This does not exempt equipment or processes as described in subdivision (a),

(b) or (c), in which any surface coating is employed, applied, or dried from the applicable emissions limits of subdivisions (a), (b) or (c).

(e) Notwithstanding subdivisions (a), (b) and (c) of this Rule, effective July 1, 1975, a person shall not discharge into the atmosphere any organic material from any degreasing operation employing an organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (a), unless such discharge has been reduced by at least 85 percent by weight.

(f) Notwithstanding subdivisions (a), (b), and (c) of this Rule, effective July 1, 1975, a person shall not discharge into the atmosphere any organic material from any dry cleaning operation employing an organic solvent which contains photochemically reactive compounds named in subdivision (u) in amounts, either individually or in combination, equal to or greater than 4 percent by volume of the total solvent, unless such discharge has been reduced by at least 90 percent by weight. If incineration is used as a control technique, 90 percent or more of the carbon in the organic compounds being incinerated must be oxidized to carbon dioxide.

(g) Effective January 1, 1976, no person shall use trichloroethylene for any degreasing or dry cleaning operation unless the discharge of trichloroethylene from such operation has been reduced by at least 85 percent by weight.

(h) Emissions of organic materials to the atmosphere from the clean-up with any organic solvent of any article, machine, equipment, process, operation, or other contrivance described in subdivisions (a), (b), (c), (e), (f) or (g) of this Rule, shall be included with the discharge of organic materials into the atmosphere from that article, machine, equipment, process, operation, or other contrivance for determining compliance with subdivisions (a), (b), (c), (e), (f) and (g) of this Rule.

(i) A person shall not, during any one day, discard, dump, or otherwise dispose of a total of more than one and one-half gallons of any organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (u) by any means which will permit the evaporation of such solvent into the atmosphere. Emissions resulting from the discard, dumping, or other disposal of organic solvents used for any purpose with any article, machine, equipment, process, operation or other contrivance shall be included with the discharge of organic materials from that article, machine, equipment, process, operation or other contrivance for determining compliance with subdivisions (a), (b), (c), (e), (f) and (g) of this Rule.

(j) Discharge of organic materials into the atmosphere required to be controlled by subdivisions (a), (b), (c), (e), (f) and (g) of this Rule shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide and the discharge of organic materials is reduced by at least 85 percent by weight, or

2. Adsorption, provided that the discharge of organic materials is reduced by at least 85 percent by weight.

3. Processing in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

(k) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this Rule shall provide, properly install and maintain in calibration in good working order and in operation, devices as specified in the Authority to Construct or the Permit to Operate or as specified by the Air Pollution Control Officer, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(l) A person shall not sell for use in San Diego County, in containers of one-quart capacity or larger, any architectural coating containing any organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (u).

(m) A person shall not employ, apply, evaporate or dry in San Diego County any architectural coating, purchased in containers of one-quart capacity or larger, containing any organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (u).

(n) A person shall not thin or dilute any architectural coating with any organic solvent which exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (u).

(o) Any person using, or any person selling for use in San Diego County, any organic solvents or any materials containing organic solvents shall apply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed or sold for each organic solvent.

(p) For the purposes of this Rule, whether or not a solvent exceeds the compositional limitations for photochemically reactive compounds set forth in subdivision (u) shall be determined as of the time that said solvent is in its final form for application or employment, notwith-

standing any prior blending, reducing, thinning, or other preparations for application or employment.

(q) For the purposes of this Rule, degreasing means any operation using organic solvent as a surface cleaning agent prior to fabricating, surface coating, electroplating or any other process.

(r) A dry cleaning operation means any operation wherein an organic solvent is used in the cleaning of garments and other fabric materials.

(s) For the purposes of this Rule, an architectural coating is defined as a surface coating used for residential, commercial, industrial, marine or governmental structures and their appurtenances.

(t) For the purposes of this Rule, organic solvents are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, extractants, or cleaning agents, or are reactants or products in manufacturing processes except that such materials which exhibit a boiling point higher than 220 degrees F. at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220 degrees F.

(u) The compositional limitations of any organic solvent referred to in this Rule are the volume percentages of the following photochemically reactive compounds, compared to the total solvent volume:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers or ketones having an olefinic or cycle-olefinic type of unsaturation: 5 percent.

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.

3. A combination of ethylbenzene, ketones having branches hydrocarbon structures, trichloroethylene or toluene: 20 percent.

4. Any aggregate of (1), (2), or (3) above, provided their individual volume percentages are not exceeded: 20 percent.

Whenever any organic solvent or constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of photochemically reactive compounds, it shall be considered as a member of the most reactive group, that is, that group having the lowest individual percentage limitation.

(v) For the purposes of this Rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(w) The provisions of this Rule shall not apply to:

1. The use of equipment for which other requirements are specified by Rules 61, 63 or 65 or which are exempt from air pollution control requirements by said Rules.

2. The spraying or other employment of insecticides, pesticides, or herbicides.

3. The use of any material, in any article, machine, equipment or other contrivance described in subdivisions (a), (b), (c) or (h) of this Rule, if:

   (i) the volatile content of such material consists only of water and organic solvents, and

   (ii) the organic solvents comprise not more than 20 percent by volume of said volatile content, and

   (iii) the volatile content does not contain photochemically reactive compounds in excess of the compositional limitations set forth in subdivision (u), and

   (iv) the organic solvent or any material containing organic solvent does not come into contact with flame or with an electrical heating element.

4. The use of any material, in any article, machine, equipment, or other contrivance described in sections (a), (b) or (c), if:

   (i) effective on and after January 1, 1977 the organic solvent content of such material does not exceed 20 percent by volume of said material; prior to January 1, 1977 the organic solvent content of such material does not exceed 30 percent by volume of said material, and

   (ii) the volatile content does not contain photochemically reactive compounds in excess of the compositional limitations set forth in subdivision (u), and

   (iii) the organic solvent or any material containing organic solvent does not come into contact with flame or with an electrical heating element.

(51.7) Rule 68. Fuel-Burning Equipment - Oxides of Nitrogen

(a) Except as provided in Rule 68(b), a person shall not discharge into the atmosphere from any non-mobile fuel-burning article, machine, equipment or other contrivance, having a maximum heat input rating of 50 million British Thermal Units (BTU) per hour (gross) or more,

flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO_2) at three (3) percent oxygen, on dry basis in excess of that shown in the following table:

Type of Fuel	Nitrogen Oxides, Parts per Million
a. Gas	125
b. Liquid or Solid	225

(b) A person shall not discharge into the atmosphere from any article, machine, equipment or other contrivance used exclusively for the stationary testing of turbine engines having a maximum heat input rating of 50 million BTU per hour (gross) or more and which was installed and in use on or before January 1, 1977:

Flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO_2) at three (3) percent oxygen on dry basis, in excess of 1600 parts per million.

(c) A person operating or using any article, machine, equipment or other contrivance used exclusively for the stationary testing of turbine engines having a maximum heat input rating of 50 million BTU per hour (gross) or more shall by March 1, 1977:

1. Install, maintain and calibrate fuel flow monitoring devices capable of providing burning rates at least once per minute.

2. Maintain an equipment log containing the following data:

   (i) Test date and engine type,

   (ii) Duration of operation by mode,

   (iii) Fuel type and consumption by mode,

   (iv) Breakdown and equipment malfunction,

   (v) Deviation from normal test operating modes, and

   (vi) Other data pertaining to equipment operation that may be required by the Air Pollution Control Officer.

3. Provide a copy of the equipment log to the Air Pollution Control Officer at his request, and upon written notice from the Air Pollution Control Officer provide him with a summary of the emission data obtained. The portions of the equipment log and summary that are not trade secrets shall be available for public inspection at the office of the Air Pollution Control Officer.

4. Retain the original records of equipment operation, including all log entries, for a minimum of two years.

(d) The Air Pollution Control Officer may inspect, as he determines to be necessary, the monitoring devices required by this rule to ensure that such devices are functioning properly.

(e) For the purpose of this rule, in calculating the concentration of nitrogen oxides, the percentage of oxygen (O_2) in the ambient air and in the flue gas shall be determined at the same time and place.

(51.1) Rule 70. Orchard Heaters

(a) Effective January 1, 1973, no person shall use any orchard heater, as defined in Rule 2(s), unless such orchard heater is approved by the State of California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(b) Effective immediately, no person shall sell or offer for sale any orchard heater, as defined in Rule 2(s) of these rules, unless such orchard heater is approved by the State of California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

(c) This rule does not apply to contrivances commonly known as wind machines.

REGULATION V. PROCEDURE BEFORE THE HEARING BOARD

(2.0) Rule 75. General

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) Rule 76. Filing Petitions

Request for hearing shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board at the San Diego County Administration Center, 1600 Pacific Highway, San Diego, California, and the payment of the fee of $10.00 provided for in Rule 42 of these rules and regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer at 1600 Pacific Highway, San Diego, California, and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(2.0) Rule 77. Contents of Petitions

Every petition shall state:

(a) The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

(b) Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and address of the partners if a co-partnership, names and address of the officer, if a corporation, and the names and addresses of the persons in control, if other entity.

(c) The type of business or activity involved in the application and the street address at which it is conducted.

(d) A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

(e) The section or rule under which the petition is filed; that is, whether petitioner desires a hearing:

1. To determine whether a permit shall be revoked or suspended permit reinstated under Section 24274, Health and Safety Code of the State of California;

2. For a variance under Section 24292, Health and Safety Code:

3. To revoke or modify a variance under Section 24298, Health and Safety Code; or

4. To review the denial or conditional granting of an Authority to Construct, Permit to Operate or Permit to Sell or Rent under Rule 25 of these rules and regulations.

(f) Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

(g) Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

(h) Petitions for reinstatement of suspended permits shall allege in addition the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any, was not furnished, whether such information is believed by petitioner to be pertinent, and if so, when it will be furnished.

(i) All petitions shall be typewritten, double-spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of at least one inch at the top and left side of each sheet.

(5.0) Rule 78. Petitions For Variances

In addition to the matters required by Rule 77, petitions for variances shall state briefly:

(a) The section, rule or order complained of.

(b) The facts showing why compliance with the section, rule or order is unreasonable.

(c) For what period of time the variance is sought and why.

(d) The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

(e) The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

(f) The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

(g) Whether or not operations under such variance, if granted, would constitute a nuisance.

(h) Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

(i) Whether or not the subject equipment or process is covered by a Permit to Operate issued by the Air Pollution Control Officer.

(2.0) Rule 79. Appeal From Denial

A petition to review a denial or conditional approval of an Authority to Construct, Permit to Operate or Permit to Sell or Rent shall, in addition to the matters required by Rule 77, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) Rule 80. Failure To Comply With Rules

The Clerk of the Hearing Board shall not accept for filing any petition which does not comply with these rules relating to the form, filing and service of petitions unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a meeting, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) Rule 82. Answers

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 76.

(2.0) Rule 83. Dismissal of Petition

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) Rule 84. Place of Hearing

All hearings shall be held at the Hearing Room, 1600 Pacific Highway, San Diego, California, unless some other place is designated by the Hearing Board.

(16.0) Rule 85. Notice of Hearing

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Control Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295 or 24299, Health and Safety Code.

(2.0) Rule 86. Evidence

(a) Oral evidence shall be taken only on oath or affirmation.

(b) Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf, he may be called and examined as if under cross-examination.

(c) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) Rule 87. Preliminary Matters

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) Rule 88. Official Notice

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) Rule 89. Continuances

The chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer and by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) Rule 90. Decision

The decision shall be by written order. If requested by either party, the decision shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy of the decision shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to every person who has filed an answer or who has appeared as a party in person or by counsel at the hearing.

(2.0) Rule 91. Effective Date of Decision

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 90, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) Rule 95. Lack of Permit

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a Permit to Operate has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a Permit to Operate and a petition for a variance may be filed with the Hearing Board in a single petition. A variance granted by the Hearing Board after a denial of a Permit to Operate by the Air Pollution Control Officer may include a Permit to Operate for the duration of the variance.

(6.0) Rule 96. Compliance Schedules

Any person obtaining a variance from the Hearing Board for the operation

or use of any article, machine, equipment or other contrivance shall by a date determined by the Hearing Board prepare and submit to the Air Pollution Control Officer a compliance schedule showing how such article, machine, equipment or contrivance will be brought into full compliance with all applicable requirements of these rules and regulations by the expiration date of the variance. If said compliance schedule is not submitted to the Air Pollution Control Officer by the date determined by the Hearing Board, or if the compliance schedule submitted is not approved by the Air Pollution Control Officer or if the person submitting such schedule fails to abide by its terms, the Air Pollution Control Officer may seek revocation or modification of the variance by the Hearing Board pursuant to Section 24298 of the Health and Safety Code.

REGULATION VI - BURNING CONTROL

(1.0) Rule 101. Definitions

Whenever in this regulation the following words or phrases hereinafter defined are used, they shall have the respective meaning assigned to them in the following definitions:

(a) "Agricultural burning" means open outdoor fires used in agricultural operations, forest or brushland management, range improvement, or used in improvement of land for wildlife and game habitat.

(b) "Agricultural operations: means the growing and harvesting of crops or raising of fowls or animals.

(c) "Range improvement" means the removal of vegetation for a wildlife or game habitat or for the initial establishment of an agricultural operation.

(d) "Forest or brushland management" means the removal of forest or brushland vegetation to facilitate utilization or protection of forest or brushland areas.

(e) "Open outdoor fire" means any fire ignited in the open or in any device other than a multiple-chamber incinerator as defined in Rule 2(r).

(f) "Designated agency" means any agency designated by the State Air Resources Board pursuant to Section 39298.1 of the Health and Safety Code as having authority to issue burning permits.

(g) A "no-burn day" means any day on which burning is prohibited by the California Air Resources Board or the Air Pollution Control District.

(h) A "permissive-burn day" means any day on which burning is not prohibited by the California Air Resources Board or the Air Pollution Control District.

(i) "Approved Ignition Devices" means those devices, instruments or materials that will ignite open fires without the production of black smoke by the ignition device, including, but not limited to, liquid petroleum gas, butane, propane, or pressurized diesel fuel oil burners, and flares. Said term does not include tires, tar paper, oil, and other similar materials.

(j) "Brush treated" means that the material to be burned has been felled, crushed or uprooted, or has been desiccated with herbicides.

(51.13) Rule 102. Open Fires, Western Section

A person shall not burn any combustible refuse in any open outdoor fire within the western Section of Air Pollution Control District of San Diego County except as provided below:

(a) When such fire is set under permit to train public or industrial employees in the methods of fighting fires.

(b) When in the opinion of any public fire prevention officer such fire is necessary for prevention of a fire hazard.

(c) When such fire is set to dispose of the unprocessed vegetative waste material remaining from an agriculture operation the products of which have an annual wholesale value of $500 or more, or to dispose of diseased crops where there is no other practicable means of disposal.

(d) When such fire is set by or under the supervision of official governmental agencies administering formal programs or forest or brushland management or range improvement Copies of such programs shall be filed with the Air Pollution Control Officer, and annual summaries of activities for the past year and forecasts for next year's activities shall be filed with said Officer at the beginning of each calendar year. If the range improvement burning is to be done primarily for improvement of land for wildlife and game habitat, the applicant shall file a statement with the Air Pollution Control Officer as part of his burning application from the Department of Fish and Game certifying that the burn is desirable and proper.

(51.13) Rule 103. Open Fire, Eastern Section

A person shall not burn any combustible refuse in any open outdoor fire within the Eastern Section of the Air Pollution Control District of San Diego County except as provided below:

(a) When such fire is set under permit to train public or industrial employees in the mothods of fighting fires, provided, however, that no person shall burn liquid fuel for training purposes on more than one day in any 30-day period.

(b) When in the opinion of any public fire protection officer such fire is necessary for prevention of a fire hazard, reasonable access by light-duty truck to the bulk of the material constituting the hazard is unavailable, and provided the necessary burning permit has been obtained.

(c) When such fire is set to dispose of the unprocessed vegetative waste material remaining from an agricultural operation the products of which have an annual wholesale value of $500 or more, or to dispose of diseased crops where there is no other practicable means of disposal.

(d) When such fire is set by or under the supervision of official governmental agencies administering formal programs or forest or brushland management or range improvement Copies of such programs shall be filed with the Air Pollution Control Officer, and annual summaries of activities for the past year and forecasts for next year's activities shall be filed with said Officer at the beginning of each calendar year. If the range improvement burning is to be done primarily for improvement of land for wildlife and game habitat, the applicant shall file a statement with the Air Pollution Control Officer as part of his burning application from the Department of Fish and Game certifying that the burn is desirable and proper.

(e) When such fire is set to dispose of combustible solid waste of a single-family or two-family dwelling on its premises.

(f) When such fire is set for the purpose of right-of-way clearing by a public entity or utility or for levee and ditch maintenance by such entities.

(2.0) Rule 104. Further Exceptions

The prohibitions contained in Rules 102 and 103 shall not apply to:

(a) Fires set pursuant to Section 4426 of the Public Resources Code.

(b) Ceremonial and cooking fires, provided that clean dry fuels are used and the fire is set in such manner as not to create a nuisance as defined in Rule 51.

(c) Open fires set pursuant to permits issued by the Air Resources Board under provisions of Section 39297.4 of the Health and Safety Code.

(3.0) (51.13) Rule 105. Burning Permits

No person shall set or allow the setting of any open outdoor fire allowed by Rules 102 and 103, unless he has a valid permit from a designated agency.

(3.0) Rule 106. Permit Duration

Burning permits shall not be valid for more than fifteen (15) days from and including the date of issuance, provided, however, that the Air Pollution Control Officer may authorize the issuance of permits for periods greater than fifteen days. Requests for such extensions should be made to the Air Pollution Control Officer in writing by the applicant and should be submitted through and with the endorsement of the designated agency. This Rule shall not be applicable to permits for open burning authorized by Rule 103(e).

(51.13) Rule 107. Burning Hours

Fires set pursuant to these rules shall be ignited during daylight hours as specified by the local designated agency, provided, however, that no ignition shall be allowed before 8:00 a.m., and no material shall be added to the fire that would cause it to burn beyond sunset of each day. All fires subject to these rules shall be extinguished at sunset of each day, except that fires set pursuant to Rule 102(d) and Rule 103(d) may be allowed to burn beyond sunset, provided it is impractical to extinguish such fires at sunset and provided further that continued burning beyond sunset will not result in a nuisance as defined in Rule 51 of these Rules and Regulations.

(51.13) Rule 108. Burning Conditions

In addition to any other requirements stipulated by the designated agency for the purpose of fire control and prevention, the material to be burned pursuant to Rules 102 and 103 shall be:

(a) Completely free of tires, tar paper, paint cans, and other similar materials, and reasonably free of dirt, soil, and visible surface moisture.

(b) Arranged to burn with minimum production of smoke.

(c) Allowed to dry, as follows:

1. 60 days for trees and large branches, forest and brushland management burning, and range improvement burning. At least 90% of all material to be burned in connection with forest or brushland management burning or range improvement burning shall be brush treated.

2. 30 days for prunings and small branches.

3. 15 days for field crop wastes and other similar agricultural wastes.

4. 10 days for all other materials not specifically listed above provided, however, that the Air Pollution Control Officer or the designated agency may stipulate other drying times for any of the above items where such other drying times can be reasonably expected to substantially reduce smoke which would otherwise be produced.

(d) Ignited as rapidly as practicable within applicable fire control regulations and with approved ignition devices only, if such devices are required.

(3.0) Rule 109. Temporary Suspension of Permits

Permits issued in accordance with Rules 102 and 103 shall be automatically suspended for any day:

(a) Declared to be a "No-burn Day" by the California Air Resources Board or the Air Pollution Control District, except that this provision shall not be applicable to permits for open burning authorized by Rule 103(e). The Air Pollution Control Officer may waive application of subparagraph (a) to burning authorized by Rules 102(d) and 103(d), provided the applicant requests such action in writing, demonstrating that suspension of burning would result in substantial economic loss.

(b) During which burning is prohibited by the designated agency having jurisdiction over the site of the burn for the purposes of fire control or prevention.

(c) When the designated agency or the Air Pollution Control Officer notifies the permittee that a fire would result in excessive smoke drifting into a populated area.

(d) When Alerts or School Health Warnings have been announced by the Air Pollution Control Officer.

(51.13) Rule 110. Additional Burning Limitations

The California Air Resources Board or the Air Pollution Control District may limit the amount of material to be burned on Permissive Burn Days if such action is necessary to maintain suitable air quality.

(2.0) Rule 111. Prior Notification

The permittee shall notify the designated agency prior to ignition of any fire set in accordance with Rules 102 and 103, except that this Rule shall not be applicable to burning authorized by Rule 103(e).

(13.0) (51.13) Rule 112. Burning Report

If requested to do so by the designated agency or by the Air Pollution

Control Officer, the permittee shall complete the burning report form provided by the designated agency and shall return it to the designated agency within ten (10) days of the termination date of his permit. Failure to submit the report shall be cause to revoke any currently outstanding permit and to refuse the issuance of any new permit until the requested report is duly filed.

(51.13) Rule 113. Plan For Open Burning Control In San Diego County

Pursuant to Section 39298.8 of the Health and Safety Code, the Plan For Open Burning Control in San Diego County, a copy of which is attached hereto as Exhibit "A" and by this reference incorporated herein, is hereby adopted.

REGULATION VII. VALIDITY AND EFFECTIVE DATE

(2.0) Rule 140. Validity

If any regulation, rule, sentence, clause or phrase of these rules and regulations is, for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of these rules and regulations; it being hereby expressly declared that these rules and regulations, and each regulation, rule, sentence, clause or phrase thereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more of such regulations, rules, sentences, clauses or phrases be declared invalid or unconstitutional.

(2.0) Rule 141. Effective Date

These rules and regulations shall take effect on January 1, 1969.

REGULATION IX. PUBLIC RECORDS

(2.0) Rule 175. General

(a) Pursuant to Section 6254.7 of the Government Code of the State of California:

1. All information, analyses, plans or specifications that disclose the nature, extent, quantity or degree of air contaminants or other pollution which any article, machine, equipment, or other contrivance will produce, which the Air Pollution Control District requires any applicant to provide before such applicant builds, erects, alters, replaces, operates, sells, rents or uses such article, machine, equipment or other contrivance, are public records.

2. All air or other pollution monitoring data, including data compiled from stationary sources, are public records.

3. Except as otherwise provided in subdivision (a)(4), trade secrets are not public records under this Rule. "Trade secrets," as used in this Rule and the Government Code, may include, but are not limited to, any formula, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern who are using it to fabricate, produce, or compound an article of trade or a service having commercial value and which gives its user an opportunity to obtain a business advantage over competitors who do not know or use it.

4. Notwithstanding any other provision of law, all air pollution emission data, including these emission data which constitute trade secrets as defined in subdivision (a) (3) of this rule, are public records. Data used to calculate emission data are not emission data for the purpose of this subdivision, and data which constitute trade secrets and which are used to calculate emission data are not public records.

(b) Pursuant to 40 Code of Federal Regulations, Part 51, Section 51.10(e), emission date reported by any source owner or operator or otherwise obtained by the Air Pollution Control District when made available as public records shall be correlated with applicable emission limitations and presented to show the relationship between amounts of emissions discharged and amounts of emissions allowable under such applicable emission limitations.

(c) Pursuant to Section 6252(e) of the Government Code of the State of California, "record" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording upon any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and paints, magnetic or punched cards, discs, drums, and other documents.

(d) "Emission data" are measured or calculated concentrations or weights of air contaminants omitted into the atmosphere. Data used to calculate emission data are not emission data.

(2.0) Rule 176. <u>Information Supplied To District</u>

(a) When requesting information from a person for determining the amount of air contaminants from nonvehicular sources, the Air Pollution Control District shall identify the information requested with sufficient specificity to enable the person to identify the information sought. The District shall give notice in writing that the information provided may be released (1) to the public on request, except trade secrets which are not emission data, and (2) to the Federal Environmental Protection Agency, which protects trade secrets as

provided in Section 114(c) of the Clean Air Act as amended in 1970, and in 40 Code of Federal Regulations, Chapter 1, Part 2.

(b) Any person from whom the Air Pollution Control District obtains any records, whether requested by the District or furnished by the person for some other reason, may label as "trade secret" any part of those records which are entitled to confidentiality. Written justification of the "trade secret" designation shall be furnished with the records so designated, and the justification shall be a public record. The justification shall be as detailed as possible without disclosing the trade secret; the person may submit additional information to support the justification, which information, on request, will be kept confidential in the same manner as the record sought to be protected.

(14.0) Rule 177. Inspection of Public Records

(a) It is the policy of the Air Pollution Control District that all records not exempted from disclosure by state law shall be open for public inspection with the least possible delay and expense to the requesting party.

(b) A request to inspect public records in the custody of the District need not be in any particular form, but it must describe the records with sufficient specificity to enable the District to identify the information sought. The District may require that a request to inspect be in writing.

(c) A request to inspect public records should be addressed to the Air Pollution Control Officer, Air Pollution Control District of San Diego County, 1600 Pacific Highway, San Diego, California 92101.

(d) The District shall make available the records requested, with the exception of those records specifically exempted from disclosure by state law and those records labelled as "trade secret" which are not emission data, within ten (10) working days of the date of receipt of the request therefor. If, for good cause, the information cannot be made available within ten (10) working days, the District will notify the requesting person the reasons for the delay and when the information will be available. Those records labelled as "trade secret" shall be governed by the procedure set forth in subdivision (f) of this rule.

(e) Within five (5) working days of receipt of a request to inspect public records, the District shall advise the requesting person of the following facts when appropriate:

1. The location at which the public records in question may be inspected, and the date and office hours during which they

may be inspected.

2. If copies of the public records are requested, the cost of providing such copies, if any.

3. Which of the records requested, if any, have been labelled as "trade secret" and are not public records. In such a case, the District shall give the notice required by subdivision (g) of this rule.

4. The specific reason why the records cannot be made available, if such is the case. Reasons or unavailability may be, but are not limited to, the following: the records are exempt from disclosure by state law; the records cannot be identified from the information contained in the request; status not determined; the records do not exist; the District has determined pursuant to Section 6255 of the Government Code that on the facts of the particular case the public interest served by not making the record public clearly outweighs the public interest served by disclosure of the records; or the records in question are not in custody of the District. In the latter situation the District shall, if possible, notify the requesting party of the entity most likely to have custody of the records requested.

(f) Only those portions of records in the custody of the District which are not emission data and (1) were labelled "trade secret" prior to the adoption of this Regulation, (2) are hereafter specifically labelled as "trade secret" pursuant to Rule 176(b), or (3) are received from a state or other local agency, including an air pollution control district, with a "trade secret" designation, shall be subject to the procedure set forth in the following subdivision (g) of this rule. All other portions of such records shall be made available pursuant to subdivisions (a) through (e) of this rule.

(g) When the District receives a request to inspect any record labelled with a "trade secret" designation which is not emission data, it shall promptly notify the requesting party that such record is designated a trade secret under Rule 176(b), and, if such is the case, under law it cannot be made available. The notification shall contain a copy of the justification of the request for confidentiality, and if the party requesting the record considers the justification inadequate, he may so advise the District in writing, setting forth his reasons.

Upon receipt of such advice, the Air Pollution Control Officer shall (1) promptly review in detail the justification, the challenge to the justification, and the record; (2) determine if the record is in its entirety a trade secret; and (3) promptly notify those persons affected of its decision in writing. If the Air Pollution Control Officer withholds the record from inspection,

the person requesting it may seek judicial relief under Section 6258 of the Government Code. If the District determines that the record is in any significant part not a trade secret, the District shall send notice by certified mail, return receipt requested, to the person designating the information as a trade secret, with an additional notice that the record in question shall be released for inspection to the requesting party twenty-one days after receipt of the notice, unless the District is restrained from so doing by a court of competent jurisdiction.

Should the person designating the record as a trade secret seek protection in a court of law, the requesting party may be made a party to the litigation to justify his challenge to the designation.

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